

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jonathan Kirschenbaum, AICP, Development Review Specialist
JK Joel Lawson, Associate Director Development Review

DATE: June 30, 2022

SUBJECT: BZA Case 20760 (5912 9th Street, NW) to permit the legalization of a fifth unit on the third floor of an existing apartment house.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- New Residential Development, Subtitle U § 421.1, pursuant to Subtitle X § 901.2 (all new residential development, except for single household detached and semi-detached dwellings, must be reviewed by the Board of Zoning Adjustment).

II. LOCATION AND SITE DESCRIPTION

Address	5912 9 th Street, NW
Applicant	SC Holdings Peabody LLC
Legal Description	Square 2986, Lot 25
Ward, ANC	4/4B
Zone	RA-1, which permits detached and semi-detached single-family dwellings as a matter-of-right, and single-family rowhouses, flats, and apartment houses by special exception review.
Lot Characteristics	Rectangular interior lot measuring 34.25 ft. by 120 ft. The lot is bounded by 9 th Street, NW to the east, an apartment house to the south, a 19-foot (approx.) wide public alley to the north, and a 16-foot wide public alley to the east.
Existing Development	The property is improved with a two-story semi-detached apartment house with four dwelling units.
Adjacent Properties	Apartment houses.
Surrounding Neighborhood Character	Apartment houses.

Proposed Development	The applicant proposes to legalize the existing third story containing a dwelling unit in an existing three-story apartment house. The current certificate of occupancy is only for four dwelling units located on the first and second floors. Special exception review is required to permit the third floor containing the fifth dwelling unit. The applicant states that the rest of the building was built as a matter-of-right with legally obtained building permits.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RA-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width	n/a	36.1 ft.	No change	None required
Lot Area	n/a	4,510 sq. ft.	No change	None required
Height F § 303	40 ft. max./ 3 stories max.	39.7 ft.	No change	None required
Floor Area Ratio F § 302	0.9 max. or 1.08 IZ max.	0.86	No change	None required
Lot Occupancy F § 304	40% max.	42%	No change	None required
Rear Yard F § 305	20 ft. min.	54 ft.	54 ft.	None required
Side Yard F § 306	1 side yard is required for apartment houses containing 2 or less dwelling units per floor. Side yards shall be 3 in. per 1 ft. of height	1 ft.	No change	None required
Vehicle Parking C § 701	1 per 3 units in excess of 4 (parking not required)	5 parking spaces	No change	None required
New Residential Development U § 421.1	New residential development, except for single household detached and semi-detached dwellings, must be reviewed by the Board	Apartment house with 4 dwelling units	Legalization of an already built enlargement of an existing apartment house for a total of 5 dwelling units	Special Exception

IV. OFFICE OF PLANNING ANALYSIS

A. Special Exception Relief Under Subtitle U § 421.1, New Residential Development.

421.2 *The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:*

(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

The application was referred to the Office of the State Superintendent of Education (OSSE) for comment and recommendation (Exhibit 17). To date, comments have not been filed to the record, but the DC Public Schools (DCPS) website indicates that permanent capacity utilization rates for the area's in-boundary schools for school year 2021-2022 were:

- Whittier Elementary School – 70%
- Ida B. Wells Middle School – 66%
- Coolidge High School – 39%

OP would not anticipate that the addition of one unit should have a significant impact.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

The application was referred to the District Department of Transportation (DDOT) for comment. The property is located 0.3 miles from the 70 and 79 Metrobus routes and a Capital Bikeshare station at the intersection of Georgia Avenue, NW and Missouri Avenue, NW. Access to these bus routes and the bikeshare station are all within a short walking distance from the subject property. The proposed apartment house would maintain the five existing parking spaces, which is five more parking spaces than required.

The application was referred to the Department of Parks and Recreation (DPR) for comment and recommendation (Exhibit 17). To date, comments have not been filed to the record, but the property is located approximately 0.3 from the Emery Heights Park/Missouria Avenue Park and the Emery Heights Community Center.

421.3 *The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.*

There would continue to be one building located on the property and it would comply with the development standards of the RA-1 zone. The proposal would legalize an enlargement to a previously existing two-story apartment house into a three-story apartment house that would be approximately 40 feet in height containing a total of five dwelling units. The building is attached to an existing three-story apartment house along its southern side property line and abuts two public alleys. The front building wall is set back approximately 10 feet from the front property line. The proposed front wall condition will help ensure a more cohesive development pattern along the blockfront.

There should not be adverse impacts to the provision of light and air to neighboring properties, as the building would continue to provide the required setbacks for yards, and is located on

the southern side of the street, which should help minimize the impact of potential shadows on adjacent properties.

The on-site parking exceeds the minimum parking requirement for apartment houses. As discussed above, the subject property has several public transit options and is in proximity to a neighborhood park and a recreation center.

421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

All required plans have been filed.

B. Special Exception Relief from Subtitle X § 901.2

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including low-rise apartments, which are permitted with the approval of a special exception, as has been requested in this case for the proposed expansion of the existing apartment building. Therefore, the request is in harmony with the general purpose and intent of the Zoning Regulations and Zoning maps.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

As addressed in the above analysis, the requested special exception would not appear to adversely affect the use neighboring property.

V. OTHER DISTRICT AGENCIES

As of the date of this report, comments from other agencies had not been filed to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, comments from the ANC had not been filed to the record.

VII. COMMUNITY COMMENTS TO DATE

As of the date of this report, one letter with associated documents was filed to the record at Exhibits 19 through 21.

Location Map

